



## Agenda of the Motor Vehicle Review Committee

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Monday, December 10, 2007  
Utah State Capitol Complex  
Room W140  
Salt Lake City, Utah  
11:30 AM

Welcome

Introductions..... Tab 1

Committee Responsibilities..... Tab 2

Action Take Home Rule Revisions  
    Definition R27-1-2..... Tab 3  
    R27-3-7..... Tab 4

Action Driver Eligibility ..... Tab 5

Action Accident Review Committee Change Proposal ..... Tab 6

Action Energy Efficiency Progress/Direction ..... Tab 7



# Motor Vehicle Review Committee

## State of Utah

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### MEMORANDUM

Date: December 10, 2007  
Subject: **Committee Introductions**

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Kim Hood, Department of Administrative Services  
Scott Harding, Larry H. Miller Auto Group  
Robin Erickson, Utah Clean Cities Coalition  
Doug McCleve, Department of Public Safety  
Kevin Walthers, College of Eastern Utah  
Steve McCarthy, Department of Transportation  
Roxie Huntsman, Department of Corrections  
Doug Richins, Division of Purchasing and General Services  
Dennis Carver, Department of Natural Resources



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Date: December 10, 2007  
Subject: **Committee Responsibilities**

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Attached for your review is the Motor Vehicle Review Committee Statute 63A-9-301 and 63A-9-302.

Attachment

**63A-9-301. Motor Vehicle Review Committee -- Composition.**

- (1) There is created a Motor Vehicle Review Committee to advise the division.
- (2) The committee shall be composed of nine members as follows:
  - (a) the executive director of the Department of Administrative Services or the director's designee;
  - (b) a member from a state agency other than higher education, the Department of Transportation, the Department of Public Safety, or the Department of Natural Resources, who uses the division's services;
  - (c) the director of the Division of Purchasing and General Services or the director's designee; and
  - (d) one member from:
    - (i) higher education, designated annually by the executive director of the Department of Administrative Services;
    - (ii) the Department of Transportation, designated annually by the executive director of the Department of Administrative Services;
    - (iii) the Department of Public Safety, designated annually by the executive director of the Department of Administrative Services; and
    - (iv) the Department of Natural Resources, designated annually by the executive director of the Department of Administrative Services; and
  - (e) two public members with experience in fleet operations and maintenance appointed by the governor.
- (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public member to a four-year term.
  - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of public members are staggered so that one of the public members is appointed every two years.
  - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
  - (ii) Members may decline to receive per diem and expenses for their service.
- (b) (i) State government members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
  - (ii) State government members may decline to receive per diem and expenses for their service.
- (c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
  - (ii) Higher education members may decline to receive per diem and expenses for their service.
- (5) Five members of the committee are a quorum.
- (6) The executive director of the Department of Administrative Services is chair of the committee.

**63A-9-302. Committee duties.**

The committee shall:

- (1) advise the director about carrying out the director's responsibilities under this chapter;
- (2) review each administrative rule proposed by the division and make recommendations to the director about those rules; and
- (3) in conjunction with the director, make recommendations to the legislature about any amendments to statute needed to allow the division to fulfill its responsibilities under this chapter.



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# Motor Vehicle Review Committee

### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Sam Lee  
Date: December 10, 2007  
Subject: **Take Home Rule Revisions – Definition R27-1-2**

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### **Recommendation:**

The MVRC committee approve the changes proposed by fleet staff in administrative rule R27-1 as presented.

Attachments

#### R27-1-1. Authority.

(1) This rule is established pursuant to Section 63A-9-401, which requires the Department of Administrative Services, Division of Fleet Operations, to establish rules regarding the State Fleet.

#### R27-1-2. Definitions.

In addition to the terms defined in Section 63A-9-101, as used in Title 63A, Chapter 9, or these rules the following terms are defined.

(1) "Accident" means any occurrence, in which a state vehicle is involved in a mishap resulting in harm or injury to persons, or damage to property, regardless of total cost of treatments or repairs. It may also be referred to as an incident.

(2) "Accident Review Committee (ARC)" means the panel formed by each agency to review accidents in which agency employees are involved and make a determination as to whether or not said accidents were preventable.

(3) "Agency" has the same meaning as provided in Section 63A-9-101(1)(a), (b), and (c).

(4) "Agency Motor Vehicle Policy (AMV)" means any policy written by an agency that covers any agency- specific needs involving the use of a state vehicle that are not addressed by state vehicle rules. Agencies shall not adopt policies that are less restrictive than the State vehicle rules.

(5) "Alternative Fuel Vehicles (AFV)" means any vehicle designed and manufactured by an original equipment manufacturer or a converted vehicle designed to operate either on a dual-fuel, flexible-fuel, or dedicated mode while using fuels other than gasoline or diesel. Examples of alternative fuel types are electricity, bio-diesel, fossil- fuel hybrids, compressed natural gas, propane, hydrogen, methanol, ethanol, and any other vehicle fuel source approved by the Federal government's Department of Energy (DOE). AFVs shall be identified and tracked in DFO's fleet information system.

(6) "Authorized Driver" means any employee, as defined in Section 63-30d-102, of an agency who has been identified by the agency in DFO's Fleet Information System as having the authority, within his or her scope of employment, to operate a state vehicle on the agency's behalf, who holds a valid driver license, and has completed the specific training and other criteria required by DFO, Risk Management or employing agency for the vehicle type that will be operated. An Authorized Driver may also be referred to as operator, employee or customer.

(7) "Authorized Passenger" means any state employee acting within the scope of his or her employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's employment duties, or has been pre-approved by the appropriate department head to accompany an authorized driver.

(8) "Capital only lease vehicle" means any vehicle with a lease designed to recover depreciation cost, (vehicle cost less salvage value spread over the estimated useful life of the vehicle, less the incremental cost of Alternative Fuel Configuration), plus overhead costs only. Capital only leases are subject to DFO approval.

(9) "Commute Use" means an employee driving a state vehicle from the employee's place of business to the employee's place of residence (or other state owned and/or political subdivision parking lots near the home of the employee not associated with the employee's agency), until the start of the next business day for more than five calendar days per month.

(10) "Compressed Natural Gas Vehicle (CNG)" means any vehicle that may be fueled with compressed natural gas.

(11) "Department" means the Department of Administrative Services.

(12) "Division" has the same meaning as provided by Section 63A-9-101(3).

(13) "Driving Privilege Review Board (DPRB)" means the panel formed for the purpose of reviewing Accident Review Committee (ARC) decisions regarding the suspension, withdrawal or revocation of the state vehicle driving privilege.

(14) "Emergency Vehicle" means any state vehicle which is primarily used for the purpose of providing law enforcement and public safety services as defined in Section 53-12-102(3)(a) and (b), or fire service, or emergency medical services.

(15) "Expansion vehicle" means any vehicle purchased when an agency requires an additional vehicle in order to complete the duties assigned to the requesting agency and will increase the size of the state fleet. The purchase of an expansion vehicle requires legislative approval.

(16) "Extreme Duty Vehicle" a designation used for preventive maintenance purposes, means, but is not limited to, emergency vehicles and vehicles driven primarily off-road.

(17) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(18) "Fixed costs" means, for the purposes of this rule, costs including depreciation, overhead, licensing, betterment, insurance, and title costs, as well as registration fees.

(19) "Fleet Vehicle Advisory Committee" means the panel formed for the purpose of advising DFO, after input from user agencies, as to the vehicle, included features, and equipment that will constitute the standard vehicle for each class in the fleet.

(20) "FO number" means a vehicle specific number assigned to each state vehicle for tracking purposes.

(21) "Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(22) "Full Service Lease" means a type of lease designed to recover depreciation costs, overhead costs and all variable costs.

(23) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight range (GVWR) greater than 8,500 pounds. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR greater than 8,500 pounds. Heavy-duty vehicles shall be tracked in DFO's fleet information system.

(24) "Light-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) of 8,500 pounds or less. In addition to vehicles licensed for on road use, includes non-road vehicles, as defined in R27-1-2(31), with a GVWR of 8,500 pounds or less. Light-duty vehicles shall be tracked in DFO's fleet information system.

(25) "Miscellaneous Equipment" means any equipment, enhancement or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes, but is not limited to, light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic related equipment. Miscellaneous Equipment shall be tracked in DFO's fleet information system.

(26) "Motor Pool" generally, means any vehicle that is made available to agencies for lease on a short-term basis.

(27) "Motor Vehicle" has the same meaning as provided by Section 63A-9-101(6)(a) and (b).

(28) "Motor Vehicle Review Committee (MVRC)" means the panel formed to advise the Division of Fleet Operations (DFO), as required by Subsection 63A-9-301(1). The duties of the MVRC are as specified in Section 63A-9-302.

(29) "Non-Preventable Accident" means any occurrence involving an accident/~~incident~~ in which everything that could have been reasonably done to prevent it was done and the accident/incident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business.

(30) "Non-road vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Includes, but is not limited to, vehicles used principally for construction and other non-transportation purposes. Golf carts, farm tractors, snowmobiles, forklifts and boats are examples of vehicles in this category. Non-road vehicles shall be tracked in DFO's fleet information system.

(31) "Other Equipment" means vehicles and equipment not specifically identified in other standard reporting categories.



(32) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(33) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(a) Preventable accidents are not limited to collisions.

(b) As used in this rule, "preventable accidents" include, but are not limited to: damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle or lack of general care of the vehicles interior.

(34) "Preventive Maintenance (PM)" means vehicle services that are conducted at regular time intervals to deter mechanical breakdowns, including, but not limited to, lube, oil and filter changes.

(35) "Regular Duty Vehicle" a designation used for preventive maintenance purposes, means a vehicle that is driven primarily on paved roads under normal driving conditions.

(36) "Replacement cycle" means the criteria established to determine when the replacement of a state vehicle is necessary. A replacement cycle has a time and mileage element, and is established according to vehicle type and use.

(37) "Replacement vehicle" means a vehicle purchased to replace a state vehicle that has met replacement cycle criteria.

(38) "Service Level Agreement (SLA)" means an agreement, signed annually, between an agency and DFO in which the agency agrees to follow all rules, policies and procedures published by DFO

concerning the use of state vehicles. This document also clearly defines the level of service between DFO and agencies.

(39) "State of Utah Fuel Card" means a purchase card issued to vehicles by the fuel network program, to be used when purchasing fuel. Fluids and minor miscellaneous items that may also be purchased with the "State of Utah Fuel Card" cannot exceed the monthly monetary limits placed on such purchases by DFO/Fuel Network, unless otherwise authorized.

(40) "Take-home vehicle" means a state vehicle assigned to be driven to and from an employee's place of residence (or other state owned and/or political subdivision parking lots near the home of the employee not associated with the employee's agency) until the next business day ~~and their assigned work location for more than five calendar days per month and the employee's use of the vehicle is a working condition benefit and not a taxable fringe benefit under the provisions of IRS bulletin 15-B.~~

(41) "State vehicle" for the purposes of this rule, has the same meaning as provided by Subsection 63A-9-101(7).

(42) "Unique Motorized Equipment" (UME) means high-cost vehicles and equipment such as trains; locomotives; airplanes; jets; mobile power stations and helicopters. Unique equipment shall be tracked in DFO's fleet information system.

(43) "Variable costs" means costs including, but are not limited to fuel, oil, tires, services, repairs, maintenance and preventive maintenance.

(44) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft; this number can be found on the driver's side of the dashboard below the windshield.

(45) "Vendor" means any person offering sales or services for state vehicles, such as preventive maintenance or repair services.



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# Motor Vehicle Review Committee

### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Sam Lee  
Date: December 10, 2007  
Subject: **Take Home Rule Revisions – R27-3-7**

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#### **Recommendation:**

The MVRC committee approve the changes proposed by fleet staff in administrative rule R27-3 as presented.

Attachments

### R27-3-1. Authority and Purpose.

(1) This rule is established pursuant to Section 63A-9-401(1)(c)(ii) and Section 63A-9-401(1)(c)(viii), which authorize the Division of Fleet Operations (DFO) to establish the requirements for the use of state vehicles, including business and personal use practices, and commute standards.

(2) This rule defines the vehicle use standards for state employees while operating a state vehicle.

### R27-3-2. Agency Contact.

(1) Each agency, as defined in Subsection 63A-9-101(a),(b) and (c), shall appoint and designate, in writing, a main contact person from within the agency to act as a liaison between the Division of Fleet Operations and the agency.

### R27-3-3. Agency Authorization of Drivers.

(1) Agencies authorized to enter information into DFO's fleet information system shall, for each employee, as defined in section 63-30d-102(2), Utah Governmental Immunity Act, to whom the agency has granted the authority to operate a state vehicle, directly enter into DFO's fleet information system, the following information:

- (a) Driver's name and date of birth;
- (b) Driver license number;
- (c) State that issued the driver license;
- (d) Each Risk Management-approved driver training program(s) taken;
- (e) Date each driver safety program(s) was completed;
- (f) The type vehicle that each safety program is geared towards.

(2) Agencies without authorization to enter information into DFO's fleet information system shall provide the information required in paragraph 1 to DFO for entry into DFO's fleet information system.

(3) For the purposes of this rule, any employee, as defined in section 63-30d-102(2), whose fleet information system record does not have all the information required in paragraph 1 shall be deemed not to have the authority to drive state vehicles and shall not be allowed to drive either a monthly or a daily lease vehicle.

(4) To operate a state vehicle, employees, as defined in section 63-30d-102(2), whose names have been entered into DFO's fleet information system as authorized drivers shall have:

- (a) a valid driver license for the type and class of vehicle being operated;
- (b) completed the driver safety course required by DFO and the Division of Risk Management for the type or class of vehicle being operated; and

(c) met the age restrictions imposed by DFO and the Division of Risk Management for the type or class of vehicle being operated.

(5) Agencies shall develop and establish procedures to ensure that any individual listed as an authorized driver is not allowed to operate a state vehicle when the individual:

(a) does not have a valid driver license for the type or class of vehicle being operated; or

(b) has not completed all training and/or safety programs required by either DFO or the Division of Risk Management for the type or class of vehicle being operated; or

(c) does not meet the age restrictions imposed by either DFO or the Division of Risk Management for the type or class of vehicle being operated.

(6) A driver license verification check shall be conducted on a regular basis in order to verify the status of the driver license of each employee, as defined in section 63-30d-102(2), whose name appears in the DFO fleet information system as an authorized driver.

(7) In the event that an authorized driver is found not to have a valid driver license, the agency shall be notified, in writing, of the results of the driver license verification check.

(8) Any individual who has been found not to have a valid driver license shall have his or her authority to operate a state vehicle immediately withdrawn.

(9) Any employee, as defined in section 63-30d-102(2), who has been found not to have a valid driver license shall not have the authority to operate a state vehicle reinstated until such time as the individual provides proof that his or her driver license is once again valid.

(10) Authorized drivers shall operate a state vehicle in accordance with the restrictions or limitations imposed upon their respective driver license.

(11) Agencies shall comply with the requirements set forth in Risk Management General Rules, R37-1-8 (3) to R37-1-8 (9).

#### **R27-3-4. Authorized and Unauthorized Use of State Vehicles.**

(1) State vehicles shall only be used for official state business.

(2) Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside the State of Utah shall require the approval of the director of the department that employs the individual.

(3) The use of a state vehicle for travel outside the continental U.S. shall require the approval of the director of the employing department, the director of DFO, and the director of the Division of Risk Management. All approvals must be obtained at least 30 days from the departure date. The employing agency shall, prior to the departure date, provide DFO and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside the United States regardless of fault.

(4) Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:

- (a) Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interests of the state.
- (b) Transporting hitchhikers.
- (c) Transporting acids, explosives, weapons, ammunition, hazardous materials, and flammable materials. The transport of the above-referenced items or materials is deemed authorized when it is specifically related to employment duties.
- (d) Extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.
- (e) Operating or being in actual physical control of a state vehicle in violation of Subsection 41-6-44(2), (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Subsection 53-3-231, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Subsection 41-6-43(1), (Local DUI and related ordinances and reckless driving ordinances).
- (f) Operating a state vehicle for personal use as defined in R27-1-2(30). Generally, except for approved personal uses set forth in R27-3-5 and when necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping, participating in sporting events, hunting, fishing, or any activity that is not included in the employee's job description, is not authorized.
- (g) Using a state vehicle for personal convenience, such as when a personal vehicle is not operational.
- (h) Pursuant to the provisions of R27-7-1 et seq., the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

#### **R27-3-5. Personal Use Standards.**

- (1) Personal use of state vehicles is not allowed without the direct authorization of the Legislature. The following are circumstances where personal use of state vehicles are approved:
  - (a) Elected and appointed officials that receive a state vehicle as a part of their respective compensation package, and have been granted personal use privileges by state statute.
  - (b) Sworn law enforcement officers, as defined in Utah Code 53-13-103, whose agencies have received funding from the legislature for personal use of state vehicles.
  - (c) In an emergency, a state vehicle may be used as necessary to safeguard the life, health or safety of the driver or passenger.
- (2) An employee or representative of the state spending at least one night on approved travel to conduct state business, may use a state vehicle in the general vicinity of the overnight lodging for the following approved activities:
  - (a) Travel to restaurants and stores for meals, breaks and personal needs;
  - (b) Travel to grooming, medical, fitness or laundry facilities; and

(c) Travel to and from recreational activities, such as to theaters, parks, or to the home of friends or relatives, provided said employee or representative has received approval for such travel from his or her supervisor.

(d) Pursuant to the provisions of R27-7-1 et seq., the unauthorized personal use of a state vehicle may result in the suspension or revocation of state driving privileges.

#### R27-3-6. Application for Commute or Take Home Use.

(1) Each petitioning agency shall, for each driver being given commute or take home privileges, annually **complete and submit either an completed and agency approved commute form (MP 2) to DFO, or complete the proper online take home form from the DFO website. Submitted take home information will generate a new form that must be signed by the employee, direct supervisor of the employee, and the executive director of the agency.**

~~(2) Approval for commute or take home privileges must be obtained from the executive director of the agency~~

~~(2)(3)~~ **Once the signed take home form is received and approved by DFO shall enter the approved commute or take home request will be entered into the fleet information system and provide an identification number to both the driver and the agency via the fleet information system or through secured web reports provided by DFO.**

~~(3)(4)~~ All approvals for commute or take home privileges shall expire at the end of the calendar year on which they were issued ~~and DFO shall notify the agency of said expiration.~~ Agencies shall be responsible for submitting any request for annual renewal of commute or take home use privileges.

~~(4)(5)~~ Commute use is, unless specifically exempted under R27-3-8, infra, considered a taxable fringe benefit as outlined in IRS publication 15-B. All approved commute use drivers will be assessed the IRS imputed daily fringe benefit rate while using a state vehicle for commute use.

~~(5)(6)~~ For each individual with commute use privileges, the employing agency shall, pursuant to Division of Finance Policy FIACCT 10-01.00, prepare an Employee Reimbursement/Earnings Request Form and enter the amount of the commute fringe benefit into the payroll system on a monthly basis.

#### R27-3-7. Criteria for Commute or Take Home Privilege Approval.

(1) Commute or Take Home use may be approved when one or more of the following conditions exist:

(a) 24-hour "On-Call." Where the agency clearly demonstrates that the nature of a potential emergency is such that an increase in response time, if a commute or take home privilege is not authorized, could endanger a human life or cause significant property damage. ~~In the event that emergency response is the sole purpose of the commute or take home privilege,~~ **Each driver is required to keep a complete list of all call-outs on the monthly DF-61 form for renewal of the take home privilege the following year.** Agencies may use DFO's online forms to track ~~commute or take home mileage.~~

(b) Virtual office. Where an agency clearly demonstrates that an employee is required to work at home or out of a vehicle, a minimum of 80 percent of the time and the assigned vehicle is required to perform critical duties in a manner that is clearly in the best interest of the state.

(c) When the agency clearly demonstrates that it is more practical for the employee to go directly to an alternate work-site rather than report to a specific office to pick-up a state vehicle.

(d) When a vehicle is provided to appointed or elected government officials who are specifically allowed by law to have an assigned vehicle as part of their compensation package. ~~Individuals using this criterion must cite the appropriate section of the Utah Code on the MP-2 form.~~

(2) A trip log must be created on the first and last trip of the day for all take home vehicle reason except the personal use status. Agencies may use DFO online forms to track the take home mileage on the first and last trip.

#### R27-3-8. Exemptions from IRS Imputed Daily Fringe Benefits.

(1) In accordance with IRS publication 15-b, employees with an individual permanently assigned vehicle are exempt from the imputed daily fringe benefit for commute use when the permanently assigned vehicles are either:

- (a) Clearly marked police and fire vehicles;
- (b) Unmarked vehicles used by law enforcement officers if the use is specifically authorized;
- (c) An ambulance or hearse used for its specific purpose;
- (d) Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 lbs;
- (e) Delivery trucks with seating for the driver only, or the driver plus a folding jump seat;
- (f) A passenger bus with the capacity of at least 20 passengers used for its specific purpose;
- (g) School buses;
- (h) Tractors and other special purpose farm vehicles;
- (i) A pick up truck with a loaded gross vehicle weight of 14,000 lbs or less, if it has been modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a pick up truck qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting, or other advertising associated with your trade, business or function and meets either of the following requirements:

- (i) It is equipped with at least one of the following items:
  - (a) A hydraulic lift gate;
  - (b) Permanent tanks or drums;
  - (c) Permanent sideboards or panels that materially raise the level of the sides of the truck bed;



(d) Other heavy equipment (such as an electronic generator, welder, boom or crane used to tow automobiles or other vehicles).

(ii) It is used primarily to transfer a particular type of load (other than over public highways) in a construction, manufacturing processing, farming, mining, drilling, timbering or other similar operation for which it is specifically modified.

(j) A van with a loaded gross vehicle weight of 14,000 lbs or less, if it has been specifically modified so it is not likely to be used more than minimally for personal purposes.

Example: According to the IRS, a van qualifies for the exemption if it is clearly marked with permanently affixed decals, special painting or other advertising associated with your trade, business and has a seat for the driver only (or the driver and one other person) and either of the following items:

(i) permanent shelving that fills most of the cargo area; or

(ii) An open cargo area and the van always carries merchandise, material or equipment used in your trade, business or function.

(2) Questions relating to the imputed daily taxable fringe benefit for the use of a state vehicle and exemptions thereto should be directed to DFO.

#### R27-3-9. Enforcement of Commute Use Standards.

(1) Agencies with drivers who have been granted commute or take home privileges shall establish internal policies to enforce the commute use, take home use and personal use standards established in this rule. Agencies shall not adopt policies that are less stringent than the standards established in these rules.

(2) Commute or take home use that is unauthorized shall result in the suspension or revocation of the commute use privilege by the agency. Additional instances of unauthorized commute or take home use may result in the suspension or revocation of the state driving privilege by the agency.

#### R27-3-10. Use Requirements for Monthly Lease Vehicles.

(1) Agencies that have requested, and received monthly lease options on state vehicles shall:

(a) Ensure that only authorized drivers whose names and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated, shall operate monthly lease vehicles.

(b) Report the correct odometer reading when refueling the vehicle. In the event that an incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.



(c) Return the vehicle in good repair and in clean condition at the completion of the replacement cycle period or when the vehicle has met the applicable mileage criterion for replacement, reassignment or reallocation.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(d) Return the vehicle unaltered and in conformance with the manufacturer's specifications.

(e) Pay the applicable insurance deductible in the event that monthly lease vehicle in its possession or control is involved in an accident.

(f) Not place advertising or bumper stickers on state vehicles without prior approval of DFO.

(2) The provisions of Rule R27-4-6 shall govern agencies when requesting a monthly lease.

(3) Under no circumstances shall the total number of occupants in a monthly lease **full-size** ~~15-passenger~~ van exceed nine (9)~~(10)~~ individuals, the maximum number recommended by the Division of Risk Management.

#### **R27-3-11. Use Requirements for Daily Motor Pool Vehicles.**

(1) DFO offers state vehicles for use on a daily basis at an approved daily rental rate. Drivers of a state vehicle offered through the daily pool shall:

(a) Provide DFO with at least 24 hours notice when requesting vehicles ~~such as full-size 15-passenger vans, sports utility vehicles and wheelchair-accessible vehicles.~~ Agencies should be aware that while DFO will attempt to accommodate all requests for vehicles, the limited number of vehicles in the daily pool not only requires that reservations be granted on a first come, first served basis, but also places DFO in a position of being unable to guarantee vehicle availability in some cases, even where the requesting driver or agency provides at least 24 hours notice.

(b) Be an authorized driver whose name and all other information required by R27-3-3(1) have been entered into DFO's fleet information system, completed all the training and/or safety programs, and met the age restrictions for the type of vehicle being operated. In the event that any of the information required by R27-3-3(1) has not been entered in DFO's fleet information system, the rental vehicle will not be released.

(c) Read the handouts, provided by DFO, containing information regarding the safe and proper operation of the vehicle being leased.

(d) Verify the condition of, and acknowledge responsibility for the care of the vehicle prior to rental by filling **out the daily motor pool rental** ~~out the MP-98~~ form provided by daily rental personnel.

(e) Report the correct odometer reading when refueling the vehicle at authorized refueling sites, and when the vehicle is returned. In the event that incorrect odometer reading is reported, agencies shall be assessed a fee whenever the agency fails to correct the mileage within three (3) business days of the agency's receipt of the notification that the incorrect mileage was reported. When circumstances indicate that there was a blatant disregard of the vehicle's actual odometer

reading at the time of refueling, a fee shall be assessed to the agency even though the agency corrected the error within three (3) days of the notification.

(f) Return vehicles **full of fuel** with at least 3/4 tank of fuel left. ~~In the event that the vehicle has less than 3/4 of a tank of fuel left, the driver shall, prior to returning the vehicle, refuel the vehicle.~~ Agencies shall be assessed a fee for vehicles that are returned with less than 3/4 of a **full** tank of fuel.

(g) Return rental vehicles in good repair and in clean condition.

(i) Agencies shall be assessed a detailing fee for vehicles returned that are in need of extensive cleaning.

(ii) Agencies shall pay the insurance deductible associated with repairs made to a vehicle that is damaged when returned.

(h) Call to extend the reservation in the event that they need to keep rental vehicles longer than scheduled. Agencies shall be assessed a late fee, in addition to applicable daily rental fees, for vehicles that are not returned on time.

(i) Use their best efforts to return rented vehicles during regular office hours. Agencies may be assessed a late fee equal to one day's rental for vehicles that are not returned on time.

(j) Call the daily pool **location** ~~where they made reservations~~, at least one hour before the scheduled pick-up time, to cancel the reservation. Agencies shall be assessed a fee for any unused reservation that has not been canceled.

(k) Not place advertising or bumpers stickers on state vehicles without prior approval from DFO.

(2) The vehicle shall be inspected upon its return. The agency shall either be held responsible for any damages not acknowledged prior to rental, or any applicable insurance deductibles associated with any repairs to the vehicle.

(3) Agencies are responsible for paying all applicable insurance deductibles whenever a vehicle operated by an authorized driver is involved in an accident.

(4) The DFO shall hold items left in daily rental vehicles for ten days. Items not retrieved within the ten-day period shall be turned over to the Surplus Property Office for sale or disposal.

#### **R27-3-12. Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria.**

(1) The standard state vehicle is a compact sedan, and shall be the vehicle type most commonly used when conducting state business.

(2) Requests for vehicles other than a compact sedan may be honored in instances where the agency and/or driver is able to identify a specific need.

(a) Requests for a four-wheel drive sport utility vehicle (4x4 SUV) may be granted with written approval from an employee's supervisor.

(b) Requests for a seven-passenger van may be granted in the event that the driver is going to be transporting more than three authorized passengers.

(c) Requests for a ~~fifteen~~ **full-size** (15) passenger vans may be granted in the event that the driver is going to be transporting more than six authorized passengers. Under no circumstances shall the total number of occupants exceed the maximum number of passengers recommended by the Division of Risk Management.

(3) Cargo vans shall be used to transport cargo only. Passengers shall not be transported in cargo area of said vehicles.

(4) Non-traditional (alternative) fuel shall be the primary fuel used when driving a bi-fuel or dual-fuel state vehicle. Drivers shall, when practicable, use an alternative fuel when driving a bi-fuel or dual-fuel state vehicle.

#### **R27-3-13. Alcohol and Drugs.**

(1) No authorized driver shall operate or be in actual physical control of a State vehicle in violation of subsection 41-6-44(2), any ordinance that complies with the requirements of subsection 41-6-43(1), or subsection 53-3-231.

(2) Any individual on the list of authorized drivers who is convicted of Driving Under the Influence of alcohol or drugs(DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty, may have his or her state driving privileges withdrawn, suspended or revoked.

(3) No operator of a state vehicle shall transport alcohol or illegal drugs of any type in a State vehicle unless they are:

(a) Sworn peace officers, as defined in Section 53-13-102, in the process of investigating criminal activities;

(b) Employees of the Alcohol Beverage Control Commission conducting business within the guidelines of their daily operations; or

(c) investigators for the Department of Commerce in the process of enforcing the provisions of section 58-37, Utah Controlled Substances Act.

(4) Except as provided in paragraph 3, above, any individual who uses a state vehicle for the transportation of alcohol or drugs may have his or her state driving privileges withdrawn, suspended or revoked.

#### **R27-3-14. Violations of Motor Vehicle Laws.**

(1) Authorized drivers shall obey all motor vehicle laws while operating a state vehicle.

(2) Any authorized driver who, while operating a state vehicle, receives a citation for violating a motor vehicle law shall immediately report the receipt of the citation to their respective supervisor. Failure to report the receipt of a citation may result in the withdrawal, suspension or revocation of State driving privileges.

(3) Any driver who receives a citation for violating a motor vehicle law while operating a state vehicle shall attend an additional Risk Management-approved mandatory defensive driver training program. The failure to attend the additional mandatory defensive driver training program shall result in the loss of state driving privileges.

(4) Any driver who receives a citation for a violation of motor vehicle laws, shall be personally responsible for paying fines associated with any and all citations. The failure to pay fines associated with citations for the violation of motor vehicle laws may result in the loss of state driving privileges.

#### R27-3-15. Seat Restraint Use.

(1) All operators and passengers in State vehicles shall wear seat belt restraints while in a moving vehicle.

(2) All children being transported in State vehicles shall be placed in proper safety restraints for their age and size as stated in Subsection 41-6-148(20)(2).

#### R27-3-16. Driver Training.

(1) Any individual shall, prior to the use of a state vehicle, complete all training required by DFO or the Division of Risk Management, including, but not limited to, the defensive driver training program offered through the Division of Risk Management.

(2) Each agency shall coordinate with the Division of Risk Management, specialty training for vehicles known to possess unique safety concerns, like full-size 15 passenger vans and sport utility vehicles.

(3) Each agency shall require that all employees who operate a state vehicle, or their own vehicles, on state business as an essential function of the job, or all other employees who operate vehicles as part of the performance of state business, comply with the requirements of Division of Risk Management rule R37-1-8(5).

(4) Agencies shall maintain a list of all employees who have completed the training courses required by DFO, Division of Risk Management and their respective agency.

(5) Employees operating state vehicles must have the correct license required for the vehicle they are operating and any special endorsements required in order to operate specialty vehicles.

#### R27-3-17. Smoking in State Vehicles.

(1) All multiple-user state vehicles are designated as "nonsmoking". Agencies shall be assessed fees for any damage incurred as a result of smoking in vehicles.

(2) Agencies that allow smoking in exclusive use vehicles shall be responsible for the cost of necessary repairs to, or refurbishment of, any vehicle in which smoking has been permitted to insure that the vehicle is suitable for reassignment, reallocation or sale when the vehicle reaches the applicable replacement criteria.



## State of Utah

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# Motor Vehicle Review Committee

### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Sam Lee  
Date: December 10, 2007  
Subject: **Driver Eligibility**

---

#### **Recommendation:**

The MVRC committee approve to have Division of Fleet and Risk staff work together to revise current Fleet and Risk administrative rules to raise the current driving eligibility standards for state employees beyond a valid driver's license as the minimum standard.

#### **Background:**

The current standard for driving a state vehicle is centered on having a valid drivers license. While this is helpful in creating a minimum standard, both Fleet Operations and Risk Management Directors feel the "bar" or standard needs to be raised to both reduce accidents and liability for state vehicles and state employees.

There is currently a single driver eligibility standard beyond the valid drivers license that only applies to full size passenger vans. It states the following:

1. All drivers of these vehicles must be at least 21 years of age.
  - a. All drivers over 21 must have a valid driver's license and must not exceed 70 total points on their individual driving record.
  - b. All drivers must have no reckless driving or drug or alcohol related violation within 3 years.
  - c. Any drivers with 2 drug or alcohol offenses loses his or her driving privileges for a state van.
    - Exception: All drivers under 21 must have a valid Utah driver's license and no moving violations on their driving record and zero total points on their individual driving record.

There is also some language in Fleet's Administrative Rule R27-3-13 (2), which states:

Any individual on the list of authorized drivers who is convicted of Driving Under the Influence of alcohol or drugs (DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty, **may** have his or her state driving privileges withdrawn, suspended or revoked.

Preliminary discussions between Fleet and Risk Management staff point to administrative rule changes that would set new standards for drivers in relation a maximum numbers of points on a drivers license and set standards of eligibility in relation to alcohol or drugs (DUI), Reckless Driving or any felony in which a motor vehicle is used, either on-duty or off-duty.



# Motor Vehicle Review Committee

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### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Sam Lee  
Date: December 10, 2007  
Subject: **Accident Review Committee Change Proposal**

---

#### **Recommendation:**

The MVRC committee approve to have Division of Fleet and Risk staff work together to revise current Fleet and Risk administrative rules to remove the Accident Review Committee responsibility from state agencies to a centralized statewide Accident Review Committee. The centralized Accident Review Committee would make final determinations concerning accident status (preventable/non preventable) and would make formal recommendations to Risk Management concerning driver eligibility (and insurability) after each preventable accident.

#### **Why centralize agency "Accident Review Committees"?**

1. **Some agency accident review committees are not meeting on a regular basis.** For example, during the last quarter (July to September 2007) nine agencies have yet to responded back to Fleet Operations concerning their Accident Review Committee discussions. The original due date was October 31, 2007.

When accidents are not reviewed in a timely way and a second or third preventable accident occurs where the state employee is responsible for damaged property and/or injury to third parties, it places the state at an increased liability.

This is also an issue when agencies are getting ready to let an employee go following a serious preventable accident and previous DFO determined "preventable" accidents have not been review by the committee.

2. **There is inconsistency in the review of accidents to determine the "preventable/ non preventable" status.** The standards set in administrative rule R27-7-5 are not always applied when determining the "preventable/ non preventable" status of state vehicle accidents.

3. **There is not consistent enforcement of the defensive driver training after the second preventable accident** (See R27-7-6 (1)(b) which states: "The driver shall be required to attend, at their own expense, a state certified or nationally recognized defensive driving course after being involved in a second preventable accident;")

**4. There is inconsistency in the length of driving suspensions after the third preventable accident is declared by the accident review committees (if there are any suspensions actually imposed).** This opens the state to potential lawsuits from former employees who feel they were treated unfairly.

**5. The Division of Risk Management should be directly involved in accident review process to determine driver eligibility after a preventable accident (even if it is the first preventable accident).**

In some cases where a state driver makes an extremely poor driving decision Risk Management should have the direct authority to decide if the driver may lose his/her driving privileges.

Attachments



#### R27-7-1. Authority.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(c)(iii) which requires the Division of Fleet Operations (DFO) to make rules establishing requirements for fleet safety and loss prevention programs.

#### R27-7-2. Accident Reporting and Liability.

(1) In the event of an accident involving a state vehicle, either the driver of the vehicle or the employing agency shall notify, within 24 hours of the occurrence of the accident, DFO, Risk Management and the agency's management.

#### R27-7-3. Loss of Authority to Operate a State Vehicle.

(1) The authority to operate a state vehicle is subject to withdrawal, suspension or revocation.

(2) The authority to operate a state vehicle shall be automatically withdrawn, suspended or revoked in the event that an authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(a) The authority to operate a state vehicle shall, at a minimum, be withdrawn, suspended or revoked for the period of denial, cancellation, disqualification, suspension or revocation of the authorized driver's license.

(b) The authority to operate a state vehicle shall not be reinstated until such time as the individual provides proof that his or her driver license has been reinstated.

(c) The employing agency may petition the Driving Privilege Review Board (DPRB) to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(d) The DPRB may extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked, beyond the period for which the driver's license is denied, cancelled, disqualified, suspended, if the evidence regarding the circumstances surrounding the denial, cancellation, disqualification, suspension or revocation of the authorized driver's license and driving history indicates that it is in the best interest of the state to extend the period for which the authority to operate a state vehicle is withdrawn, suspended or revoked.

(3) The authority to operate a state vehicle shall be suspended or revoked for any of the following grounds:

(a) The authorized driver, while acting within the scope of employment, has been involved in 3 or more preventable accidents during a five (5) year period; or

(b) The authorized driver, while acting within the scope of employment, has received 5 or more citations for violating motor vehicle laws during a five (5) year period; or

(c) The unauthorized use, misuse, abuse or neglect of a state vehicle; or

(d) On the basis of citizen complaints, the authorized driver, while acting within the scope of employment has been found, pursuant to 63A-9-501, to have misused or illegally operated a vehicle three (3) times during a three (3) year period.

(4) The employing agency shall impose a period for which the authority to operate a state vehicle will be withdrawn, suspended or revoked under the circumstances described in R27-7-3(3)(a),(b) or (c), on the basis of an investigation of the circumstances surrounding each accident and the authorized driver's driving history.

(5) The withdrawal of authority to operate a state vehicle shall be in addition to agency-imposed discipline, corrective or remedial action, if any.

(6) The authorized driver petition the DPRB to review the withdrawal, suspension or revocation of the authority to operate a state vehicle imposed by the employing agency pursuant to R-27-7-3(3) and (4).

(7) Any determination made by the employing agency with regard to the withdrawal, suspension or revocation of the authority to operate a state vehicle, pursuant to R27-7-3(3) and (4) shall remain in effect until such time as a review by the DPRB can be conducted, and a decision rendered.

#### R27-7-4. Accident Review Committee (ARC).

(1) Each agency leasing vehicles from the Division of Fleet Operations shall establish and maintain an Accident Review Committee (ARC). Each agency ARC shall conduct quarterly reviews of all accidents or complaints involving state vehicles under the possession or control of their respective agencies.

(2) The purpose of the ARC is to reduce the number of accidents and complaints involving drivers of vehicles being used in the course of conducting state business.

(3) The ARC shall determine, through a review process, whether an accident was either preventable or non-preventable, using standards established by the National Safety Council.

(4) Each agency ARC shall, within five (5) business days of reviewing an accident, provide to DFO, in writing, its determination and recommended actions, if any, as well as all evidence used to arrive at its determination as to whether the accident was preventable.

#### R27-7-5. Accident Review Committee Guidelines.

(1) The ARC shall have no less than three (3) voting members. The members shall be from different areas in the agency.

(2) An accident shall be classified as preventable if any of the following factors are involved:

- (a) Driving too fast for conditions;
- (b) Failure to observe clearance;
- (c) Failure to yield;
- (d) Failure to properly lock the vehicle;
- (e) Following too closely;
- (f) Improper care of the vehicle;
- (g) Improper backing;
- (h) Improper parking;
- (i) Improper turn or lane change;

(j) Reckless Driving as defined in Utah Code 41-6-45;

(k) Unsafe driving practices, including but not limited to: the use of electronic equipment or cellular phone while driving, smoking while driving, personal grooming, u-turn, driving with an animal(s) loose in the vehicle.

(3) An accident shall be classified as non-preventable when:

(a) The state vehicle is struck while properly parked;

(b) The state vehicle is vandalized while parked at an authorized location;

(c) The state vehicle is an emergency vehicle, and

(i) At the time of the accident the operator was in the line of duty and operating the vehicle in accordance with their respective agency's applicable policies, guidelines or regulations; and

(ii) Damage to the vehicle occurred during the chase or apprehension of people engaged in or potentially engaged in unlawful activities; or

(iii) Damage to the vehicle occurred in the course of responding to an emergency in order to save or protect the lives, property, health, welfare and safety of the public.

(4) The ARC shall notify DFO of their findings, as to whether the accident in question was preventable or non-preventable, regarding each accident case reviewed.

#### R27-7-6. Effects of ARC Accident Classification.

(1) In the event that an accident is determined by the ARC to be preventable, the ARC shall impose and enforce the following:

(a) The authorized driver shall be required to attend a Risk Management-approved driver safety program after being involved in the first preventable accident;

(b) The driver shall be required to attend, at their own expense, a state certified or nationally recognized defensive driving course after being involved in a second preventable accident;

(c) The driver may have his or her authority to operate a state vehicle suspended or revoked, if he or she is involved in a third preventable accident within five calendar years of being involved in the first preventable accident.

(3) An employee whose authority to operate a state vehicle has been suspended or revoked pursuant to R27-7-3(3) and (4), may petition the DPRB for a review of the agency ARC's determination. The suspension of state driving privileges shall continue until such time as a formal hearing before the DPRB can be held, and a decision rendered. The provisions of the DPRB's decision, including the revocation of the driver's authority to drive a vehicle in the conduct of state business, will govern from that time forward.

#### R27-7-7. Driving Privilege Review Board.

(1) The Driving Privilege Review Board (DPRB) shall have no more than 3 voting members. The Department of Administrative Services, the Division of Risk Management and the agency whose employee is the subject matter of the case pending before the DPRB shall each have a voting member.

(2) Agency actions that involve the withdrawal, suspension or revocation of the authority to operate a state vehicle are subject to review by the DPRB.

(3) The DPRB shall, upon receipt of the petition for review from the authorized driver, pursuant to R27-7-6(3), schedule a review and render a decision on whether to uphold the agency's decision regarding the withdrawal, suspension or revocation of the authority to operate a state vehicle, or impose a different penalty.

(4) The DPRB shall, upon receipt of an employing agency's petition, pursuant to R27-7-3(2)(c), schedule a review and render a decision on whether to extend the period for which the authority to operate a state vehicle is withdrawn, beyond the period for which the authorized driver's license is denied, cancelled, disqualified, suspended or revoked.

(5) The employing agency, and the authorized driver shall be notified of the hearing date, the reason for the hearing, the substance of the charges, as well as their respective right to respond to the petition, rebut the evidence presented and present evidence in their respective behalf at the hearing.

(6) The DPRB shall render a decision that will be forwarded to the agency for enforcement. In making its decision, the DPRB may consider factors, including but not limited to, the severity of injuries, the extent of damages, the authorized driver's culpability and willfulness.

(7) The DPRB may impose a range of penalties from no action to a withdrawal, suspension or revocation of the authority to operate a state vehicle for an indefinite period. In no case shall the withdrawal, suspension or revocation of the authority to operate a state vehicle be less than the period of withdrawal, suspension or revocation of the privilege to drive imposed by the courts.

(8) An employee whose authority to operate a state vehicle has been withdrawn, suspended or revoked may petition the DPRB for reinstatement of the authority on the basis of changed circumstances. The employee shall provide proof of the change in circumstances that would justify the reinstatement of authority.



# Motor Vehicle Review Committee

## State of Utah

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### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Margaret Chambers  
Date: December 10, 2007  
Subject: **Energy Efficiency Progress/Direction**

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#### **Recommendation:**

The MVRC committee approve fleet staff contacting all fleet managers with the ability to purchase and own state vehicles to inform them that all vehicle purchases for model year 2008 forward are required to go through rightsizing justification process established in 2007 Legislative Session (House Bill 110).

#### **Background HB 110 2007 General Session:**

Requires the division to establish a standard vehicle size and type for replacement and fleet expansion vehicles;

Requires agencies to file written requests and justifications for obtaining a nonstandard vehicle size or type;

Requires the Division of Fleet Operations to develop and coordinate the implementation of a statewide vehicle fleet cost efficiency plan to ensure continuing progress toward statewide overall cost reduction in government vehicle costs; provides for the content of the cost efficiency plan;

Requires state agencies to develop, implement, and submit agency vehicle fleet cost efficiency plans to the division;

Requires state agencies that own or lease vehicles to include their vehicle fleet cost efficiency plans and standard cost measures with their annual reports submitted to the division; and makes technical changes.

1. Right size approval status
2. The annual State Fleet Cost Efficiency Report has been published and is on our web page [Fleet.Utah.Gov](http://Fleet.Utah.Gov) State Vehicle Cost Efficiency Info

Attachments

1

**STATE FLEET EFFICIENCY REQUIREMENTS**

2

2007 GENERAL SESSION

3

STATE OF UTAH

4

**Chief Sponsor: Fred R. Hunsaker**

5

Senate Sponsor: Scott K. Jenkins

6

**LONG TITLE**

**General Description:**

Motor      9      This bill modifies the Division of Fleet Operations and Administration of State

of      10      Vehicles chapter to amended provisions related to the purchase and management

11      state vehicles and reporting of state agency vehicle fleet efficiency.

**Highlighted Provisions:**

13      This bill:

establishing      14      .      requires the director of the Division of Fleet Operations to make rules

15      standards and procedures for purchasing economically appropriate vehicles for the  
16      purposes and driving conditions for which they will be used, including procedures  
17      for granting exceptions by the executive director of the Department of  
18      Administrative Services;

and      19      .      requires the division to conduct an annual market analysis of proposed rates

20      fees;

replacement      21      .      requires the division to establish a standard vehicle size and type for

22      and fleet expansion vehicles;

23      .      requires agencies to file written requests and justifications for obtaining a  
24      nonstandard vehicle size or type;

continuing      25      .      requires the Division of Fleet Operations to develop and coordinate the  
26      implementation of a statewide vehicle fleet cost efficiency plan to ensure

27      progress toward statewide overall cost reduction in government vehicle costs;

28      .      provides for the content of the cost efficiency plan;

29      .      requires state agencies to develop, implement, and submit agency vehicle

fleet cost

30

efficiency plans to the division;

31 . requires state agencies that own or lease vehicles to include their vehicle

fleet cost

32 efficiency plans and standard cost measures with their annual reports submitted to  
33 the division; and

34 . makes technical changes.

35 **Monies Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **63A-9-401**, as last amended by Chapter 34, Laws of Utah 2004

42 **63A-9-402**, as enacted by Chapter 334, Laws of Utah 1996

43 ENACTS:

44 **63A-9-401.5**, Utah Code Annotated 1953

45

46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **63A-9-401** is amended to read:

48 **63A-9-401. Division -- Duties.**

49 (1) The division shall:

50 (a) perform all administrative duties and functions related to management of

state

51 vehicles;

52 (b) coordinate all purchases of state vehicles;

53 (c) establish one or more fleet automation and information systems for state

vehicles;

54 (d) make rules establishing requirements for:

55 (i) maintenance operations for state vehicles;

56 (ii) use requirements for state vehicles;

57 (iii) fleet safety and loss prevention programs;

58

(iv) preventative maintenance programs;

59 (v) procurement of state vehicles, including:

60 (A) vehicle standards[;];

61 (B) alternative fuel vehicle requirements[;];

62 (C) short-term lease programs[;];

63 (D) equipment installation[;]; and

64 (E) warranty recovery programs;

65 (vi) fuel management programs;

66 (vii) cost management programs;

67 (viii) business and personal use practices, including commute standards;

68 (ix) cost recovery and billing procedures;

69 (x) disposal of state vehicles;

70 (xi) reassignment of state vehicles and reallocation of vehicles throughout the

fleet;

- 71 (xii) standard use and rate structures for state vehicles; and
- 72 (xiii) insurance and risk management requirements;
- 73 (e) establish a parts inventory;
- 74 (f) create and administer a fuel dispensing services program that meets the
- 75 requirements of Subsection (2);
- 76 (g) emphasize customer service when dealing with agencies and agency

employees;

- 77 (h) conduct an annual audit of all state vehicles for compliance with division
- 78 requirements;
- 79 (i) before charging a rate, fee, or other amount to an executive branch agency,

or to a

80 subscriber of services other than an executive branch agency:

- 81 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee

established

82 in Section 63A-1-114 ; and

- 83 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5 ; and

84 (j) conduct [a] an annual market analysis [~~by July 1, 2005, and periodically thereafter,~~]

85 of proposed rates and fees, which analysis shall include a comparison of the  
division's rates and

86

fees with the fees of other public or private sector providers where comparable services and  
87 rates are reasonably available.

88 (2) The division shall operate a fuel dispensing services program in a manner  
that:

89 (a) reduces the risk of environmental damage and subsequent liability for leaks  
90 involving state-owned underground storage tanks;

91 (b) eliminates fuel site duplication and reduces overall costs associated with fuel  
92 dispensing;

93 (c) provides efficient fuel management and efficient and accurate accounting of  
94 fuel-related expenses;

95 (d) where practicable, privatizes portions of the state's fuel dispensing system;

96 (e) provides central planning for fuel contingencies;

97 (f) establishes fuel dispensing sites that meet geographical distribution needs

and that

98 reflect usage patterns;

99 (g) where practicable, uses alternative sources of energy; and

100 (h) provides safe, accessible fuel supplies in an emergency.

101 (3) The division shall:

102 (a) ensure that the state and each of its agencies comply with state and federal

law and

103 state and federal rules and regulations governing underground storage tanks;

104 (b) coordinate the installation of new state-owned underground storage tanks

and the

105 upgrading or retrofitting of existing underground storage tanks; and

106 (c) ensure that counties, municipalities, school districts, and special districts



107 subscribing to services provided by the division sign a contract that:  
 108 (i) establishes the duties and responsibilities of the parties;  
 109 (ii) establishes the cost for the services; and  
 110 (iii) defines the liability of the parties.  
 111 (4) (a) [The executive director of the Department of Administrative Services]  
In  
 112 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
director of  
 113 the Division of Fleet Operations:  
 114  
 115 (i) may make rules governing fuel dispensing ~~[according to the procedures and~~  
~~requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.];~~  
and  
 116 (ii) shall make rules establishing standards and procedures for purchasing the  
most  
 117 economically appropriate size and type of vehicle for the purposes and driving  
conditions for  
 118 which the vehicle will be used, including procedures for granting exceptions to  
the standards  
 119 by the executive director of the Department of Administrative Services.  
 120 (b) Rules made under Subsection (4)(a)(ii):  
 121 (i) shall designate a standard vehicle size and type that shall be designated as  
the  
 122 statewide standard vehicle for fleet expansion and vehicle replacement;  
 123 (ii) may designate different standard vehicle size and types based on defined  
categories  
 124 of vehicle use;  
 125 (iii) may, when determining a standard vehicle size and type for a specific  
category of  
 126 vehicle use, consider the following factors affecting the vehicle class:  
 127 (A) size requirements;  
 128 (B) economic savings;  
 129 (C) fuel efficiency;  
 130 (D) driving and use requirements;  
 131 (E) safety;  
 132 (F) maintenance requirements; and  
 133 (G) resale value; and  
 134 (iv) shall require agencies that request a vehicle size and type that is different  
from the  
 135 standard vehicle size and type to:  
 136 (A) submit a written request for a nonstandard vehicle to the division that  
contains the  
 137 following:  
 138 (I) the make and model of the vehicle requested, including acceptable  
alternate vehicle  
 139 makes and models as applicable;  
 140 (II) the reasons justifying the need for a nonstandard vehicle size or type;

141 (III) the date of the request; and  
 142  
 143 (IV) the name and signature of the person making the request; and  
 144 (B) obtain the division's written approval for the nonstandard vehicle.  
 145 (5) (a) (i) Each state agency and each higher education institution shall  
 subscribe to the  
 146 fuel dispensing services provided by the division.  
 147 (ii) A state agency may not provide or subscribe to any other fuel dispensing  
 services,  
 148 systems, or products other than those provided by the division.  
 149 (b) Counties, municipalities, school districts, special districts, and federal  
 agencies may  
 150 subscribe to the fuel dispensing services provided by the division if:  
 151 (i) the county or municipal legislative body, the school district, or the special  
 district  
 152 board recommends that the county, municipality, school district, or special  
 district subscribe to  
 153 the fuel dispensing services of the division; and  
 154 (ii) the division approves participation in the program by that government unit.  
 155 (6) The director, with the approval of the executive director, may delegate  
 functions to  
 156 institutions of higher education, by contract or other means authorized by law, if:  
 157 (a) the agency or institution of higher education has requested the authority;  
 necessary  
 158 (b) in the judgment of the director, the state agency or institution has the  
 159 resources and skills to perform the delegated responsibilities; and  
 function  
 160 (c) the delegation of authority is in the best interest of the state and the  
 delegated is accomplished according to provisions contained in law or rule.  
 161 Section 2. Section **63A-9-401.5** is enacted to read:  
 162 **63A-9-401.5. Vehicle fleet cost efficiency plans -- Requirements --**  
**Contents --**  
 163 **Submission by agencies.**  
 164 (1) The division shall develop and coordinate the implementation of a  
statewide  
 165 vehicle fleet cost efficiency plan to ensure continuing progress toward statewide  
overall cost  
 166 reduction in government vehicle costs. The plan shall include:  
 167 (a) goals for vehicle fleet cost efficiency;  
 168 (b) a summary of agency submitted plans, statistics, and progress;  
 169 (c) standard measures of cost including:  
 170  
 171 (i) vehicle cost per mile;  
 172 (ii) total vehicles;  
 173 (iii) total fuel used; and  
 174 (iv) miles per gallon of fuel;  
 175 (d) goals for purchasing the most economically appropriate size and type of

vehicle for

175 the purposes and driving conditions for which the vehicle will be used;  
176 (e) cost reduction measures which may include:  
177 (i) reducing vehicle engine idle time;  
178 (ii) driving fewer miles;  
179 (iii) using car pools when possible;  
180 (iv) avoiding rush hour traffic;  
181 (v) reducing aggressive driving;  
182 (vi) providing proper preventative maintenance including properly inflated

tires; and

183 (vii) purchasing from state fuel sites and using the lowest octane fuel needed

for the

184 altitude;  
185 (f) reducing inventories of underutilized vehicles; and  
186 (g) education to inform drivers of their accountability on implementing cost

reduction

187 measures.  
188 (2) The division shall assist agencies to develop and implement their own

plans in

189 accordance with this part.  
190 (3) Each agency that owns or leases vehicles shall develop, implement, and

submit to

191 the division under Section 63A-9-402 , a vehicle fleet cost efficiency plan for  
192 their agency in

192 accordance with the provisions under Subsection (1). The plan shall include  
193 agency goals and

193 statistics, and a report of agency progress.

194 Section 3. Section **63A-9-402** is amended to read:

195 **63A-9-402. State-owned vehicle report -- Contents.**

196 (1) On or before October 1 of each year, each agency that owns or leases  
vehicles shall

197 submit a report to the division that contains at least the following information:

198

(a) a description of each vehicle owned or leased by that agency, including the license

199 number, year, make, and model of the vehicle; ~~and~~

200 (b) the person and administrative unit within the agency to whom each vehicle

is

201 assigned[-]; and

202 (c) a vehicle fleet cost efficiency plan in accordance with the provisions of

Section

203 63A-9-401.5 .

204 (2) (a) On or before November 1 of each calendar year, the director of the

division

205 shall submit a state-owned vehicle report to the governor and to the legislative  
fiscal analyst.

206 (b) The report shall contain a summary of vehicles owned or leased by each

state

207 agency including:  
208 (i) a description of each vehicle owned or leased by each agency; ~~and~~  
209 (ii) the person or administrative unit within the agency to whom each vehicle  
is  
210 assigned[-]; *and*  
211 (iii) standard measures of cost for the previous year, for each vehicle.  
including:  
212 (A) vehicle cost per mile;  
213 (B) total vehicles;  
214 (C) total fuel used; and  
215 (D) miles per gallon of fuel.  
216 (3) The legislative fiscal analyst shall submit the information from the state-  
owned  
217 vehicle report about each agency's state-owned vehicles to the legislative  
appropriation  
218 subcommittee that has jurisdiction over that agency.  
219 (4) (a) Vehicles used in official investigative work where secrecy is essential  
are  
220 exempt from the requirements of this section.  
221 (b) The report to the governor and legislative fiscal analyst shall include the  
total  
222 number of state vehicles used in official investigative work where secrecy is  
essential that are  
223 not otherwise accounted for in the report.



## State of Utah

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# Motor Vehicle Review Committee

### MEMORANDUM

To: Motor Vehicle Review Committee  
From: Margaret Chambers  
Date: December 10, 2007  
Subject: **MVRC 2008 Quarterly Meeting Schedule**

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The Motor Vehicle Review Committee meetings for 2008 will be held in Room W025 of the West Building at the Capitol Hill Complex. All meetings will begin at 10:00 am and run for approximately two hours.

Dates:

March 10, 2008  
June 10, 2008  
September 10, 2008  
December 10, 2008